

VAN-055 Order and Notice To Debtor – Rev. 11/22/2016

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
Raleigh Division

IN RE:
Scott Charles Foster
(*debtor has no known aliases*)
106 Natalie Drive
Raleigh, NC 27603

CASE NO.: 17-01063-5-SWH

DATE FILED: March 3, 2017

CHAPTER: 13

ORDER AND NOTICE TO DEBTOR

IT IS ORDERED AND NOTICE IS HEREBY GIVEN THAT:

(1) **Trustee:** John F. Logan is appointed as trustee in this case.

(2) **Payments:** Your chapter 13 plan payments are due to begin on the first day of the month that follows the month in which your petition was filed. For example, if you filed your petition on December 31, your first plan payment is due on January 1.

Checks and money orders should be made payable to "CHAPTER 13 TRUSTEE." DO NOT MAKE CHECKS PAYABLE IN THE TRUSTEE'S PERSONAL NAME.

If you fail to make your plan payments to the trustee, your case could be dismissed.

(3) **Payroll Deduction:** If you wish to establish payroll deduction through your employer, you should contact the trustee.

John F. Logan
Office Of The Chapter 13 Trustee
PO Box 61039
Raleigh, NC 27661-1039

(4) Financial/Address Changes: *You must notify your attorney and the trustee of any change of mailing address or employment. You must notify the court of any change in mailing address. You must also promptly notify your attorney and the trustee of any substantial changes in your financial circumstances, including substantial changes in your income, expenses, or property ownership. Examples of changes that would require you to give notice include, but are not limited to, if you*

- (a) Get a raise or changes jobs and your income changes substantially;*
- (b) Move and your housing or utility costs change substantially;*
- (c) Win the lottery;*
- (d) Become entitled to inherit property;*
- (e) Become entitled to combined tax refunds of \$2,000 or more for any tax year.*

These obligations continue throughout the complete term of your chapter 13 plan. Contact your attorney for advice on whether a change is substantial and must be reported.

(5) Financial Management: You must file a certification that you completed an instructional course concerning personal financial management as described in Section 111 of the Bankruptcy Code at least 30 days before the last payment is due or before filing a motion for hardship discharge. Failure to file this certification may result in the closing of your case without entry of discharge. ***A fee will be charged to reopen your case to file the certification.***

(6) **Domestic Support Obligations:** You must be current on all post-petition domestic support obligations for your plan to be confirmed. In order to obtain a discharge, you must certify that there are no outstanding post-petition domestic support obligations.

(7) **Prior Discharge:** You may not receive a discharge if you have received a discharge in a chapter 13 case within the 2-year period preceding the filing of the petition, or if you received a discharge in a chapter 7, 11, or 12 case within the prior 4 years.

(8) **Meeting of Creditors:** A meeting of creditors in your case will be conducted within the next 20–60 days. You are required by law to attend this meeting. You will be examined under oath by the court-appointed officer presiding over the meeting. You are expected to dress appropriately for ALL court appearances. Shorts, tank tops, etc. are not considered appropriate court attire.

You must bring the following to the meeting of creditors:

- (a) A picture ID*
- (b) Social security card**
- (c) Copy of your most recent Federal tax return or a written statement that the return was not filed; and
- (d) Pay stubs for the prior 60 days before filing.

*Acceptable forms of photo identification are as follows: a valid state drivers license, state issued identification card, military identification, valid passport, and legal resident alien card.

**Acceptable proofs of social security numbers are as follows: social security card, W–2 form for the most recent tax year, pay stub, Social Security Administration statement, military or student identification card, valid state driver license from states using social security number as driver license number.

If an emergency situation arises and you are unable to comply with the order requiring your appearance at the meeting of creditors, contact your attorney immediately, if you have not engaged an attorney, contact the trustee. Failure to appear at the meeting of creditors could result in dismissal of your case or denial of your discharge without further notice.

(9) **Automatic Stay:** An automatic stay goes into effect immediately upon filing the petition and prohibits creditors from taking any action to collect most pre-bankruptcy debts. This means no lawsuits, no repossessions, no threatening telephone calls and no collection letters; however, if you have filed more than one bankruptcy petition within the last year, the stay may be limited to 30 days or may not exist at all.

(10) **Disposition of Property:** You must not dispose of any non-exempt property having a fair market value of more than \$5,000.00 by sale or otherwise without prior approval of the trustee and an order of this court.

(11) **Incurring Debt:** You must not purchase additional property or incur additional debt in excess of \$7,500.00 without prior approval of the court.

(12) **Questions:** All questions regarding administration of this case should be directed to your attorney or the trustee.

(13) **Responses:** You will usually have fourteen (14) days to respond in writing to any motion or application filed in this case by any party; however, you should carefully check every document you receive for a response deadline. Failure to respond could result in the granting of the relief requested in the motion without a hearing. You should contact your attorney or the trustee if you receive any documents that you do not understand or about which you need advice or instructions.

(14) **Electronic Notices:** Individual debtors may request to receive orders and court notices by email rather than by U.S. Mail. Only the court can serve notices on the debtor electronically. To receive email notification, **each debtor** must complete and file a form that can be found on the court's website at <http://www.nceb.uscourts.gov/sites/ncsb/files/frmDeBNCombined.pdf> or the form may be obtained at the Clerk's Office front counter. The form can be filed electronically by the attorney for debtor(s), the debtor may bring the form to the court during normal business hours or the form may be mailed to the court at PO Box 791, Raleigh, NC 27602. If only one joint debtor requests electronic notice, the other debtor will continue to receive court orders and notices by mail.

DATED: March 7, 2017

Stephani W. Humrickhouse
United States Bankruptcy Judge